

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
September 24, 2012

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, September 24, 2012, was called to order at 7:02 p.m. by Vice Chairman Jeff Adams in the County Administration Conference Room of the County Administration Building.

Members Present: Adams, Clark, McClevey, Hunt, and O'Hara

Members Absent: DeBernard

Staff Present: Baker, Magwood, and Harbin

Guests Present: Marshall Locklear

1. Call to Order

Mr. Adams called the meeting to order at 7:02 p.m. He asked Ms. Magwood to call the roll. She stated there were five members present and a quorum.

2. Election of Officers

- Chairman
- Vice-Chairman, if necessary

Mr. Adams turned the meeting over to Mrs. Baker for the election of officers. Mrs. Baker stated in the absence of Mr. Coen the committee would need to elect a new chairman. She stated the only other officer was Mr. Adams, as Vice-Chair, but he could be considered if he so desired and then a new Vice-Chair would be re-elected.

Mrs. Clark nominated Mr. Adams as Chairman. Mr. Adams stated his only reservation in accepting the position would be, if he decided to submit his application in the next round he would have to step down. Mrs. Baker stated staff would be considering another round of applications in January. The committee could hold another election of officers in January. Mr. Adams stated he was comfortable taking on the position but informed everyone of what his intentions were.

Mrs. Baker asked if there were any other nominations. With no other nominations, Mrs. Baker called for the vote. The nomination passed 5 to 0.

Mrs. Baker turned the meeting over to Mr. Adams. He called for Vice-Chair nominations. Mrs. Clark nominated Mr. McClevey. Mr. McClevey stated he would rather not accept the position because both he and Mrs. Clark have served in the capacity of the committee and the position would be a good stepping stone for other individuals. He considered the nomination to Mr. O'Hara. Mr. Adams asked if there were any other nominations, and there were none. The nomination passed 5 to 0.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
September 24, 2012***

3. Approval of Minutes – August 27, 2012 minutes

Mr. Adams stated he did not read the drafted minutes because he cannot open .docx files on his computer. He asked if anyone else reviewed the minutes and would like to make a motion for approval. Mr. McClevey stated he reviewed them and made a motion for approval. Mr. O'Hara seconded the motion. The motion passed 5 to 0.

Mrs. Baker asked if the committee would prefer the minutes in PDF or Microsoft Word format. Mr. O'Hara and Mr. Adams suggested PDF format for all PDR items.

4. Staff Update

- PDR Managers Meeting

Mrs. Baker stated there was a discussion about the next round of State funding at the PDR Manager's Meeting on September 5, 2012. Staff indicated at the last meeting that the estimated funds available were \$1.3 million. The State was offering leftover money from previous years. The applications were due on October 19th, and the committee would have to resubmit the same application they submitted in the past and certify that the funds are readily available. The committee could potentially receive a maximum of \$130,000, but that depends upon the number of applicants. Mr. Adams asked if the number of Counties with a PDR grown since the last application round. Mrs. Baker stated within the past year the number has remained the same. There are about 22 total programs, but only 13-15 actually applied for funds one year ago. An update would be provided at a later date.

She stated there was a discussion about the Farm-link Program, which is Certified Farm Seekers Program. The program brings together younger and older landowners/farmers. It was a new farmers coalition project and they were expecting to have a database created. It sounded like a good program for individuals that no longer wish to farm anymore and the younger individuals that would like to farm but do not have the money or land to get started.

Mrs. Baker stated DCR has a Land Conservation Fund. They have \$1.5 million available for that. The funds were split between four different pots, which include historic, farm, forest, and open space. Those funds would be available to the properties that have already been identified.

Fauquier, Albemarle, and Virginia Beach were the only localities adding significant amounts of land through PDR because they have more established funding than other localities.

5. Unfinished Business

- Farmers Markets
 - Process and Regulations
 - Farmers Market at Garrisonville Road and Barrett Heights Road

Mr. Adams stated at the previous Board meeting the Board of Supervisors stated they had no interest in running a market at this time. Mrs. Clark stated the committee was looking for regulations that all Farmers Markets would need to have, in order to ensure the committee's vision but not be extremely

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
September 24, 2012***

restrictive. Mrs. Baker stated some of the required information would be provided to the Market Manager, who would be in charge of maintaining a list of vendors, establishing the hours of operation, and expected sanitation standards for each market. Mrs. Clark stated those requirements would be listed within an individual market's rules and regulations and a copy would be on file. Mrs. Clark stated Mr. McClevey provided the committee with a list of Farmers Markets Considerations. Mrs. Baker stated for the committee's regulations the main focus would be items 1 and 2. The sketch plan and entrance would be part of the application as a requirement. The committee would need to establish the guidelines as what the Market Manager would need to do. Mr. O'Hara asked if the commission should enforce issues related to the health department and taxes. Mrs. Baker stated the committee would not enforce it, but they would need to make sure everyone was aware that was a requirement. Mrs. Clark asked what kind of things Mrs. Baker was referring to. Mrs. Baker stated for instance, whether or not the vendors would have food sales that would need to be regulated by the health department. Mr. Adams stated there was a simple way around that situation. The vendors would have to follow all of VDACS regulations. The committee could establish a statement that would refer to the VDACS manual and follow all regulations. Mr. O'Hara stated he did not think the vendors would need to pledge that they would pay their taxes. Mr. Adams stated the market in Warrenton required the vendors to show a Sales Tax ID Collections Certificate. Mrs. Clark stated some farmers markets require vendors to display the certificate. Mr. Locklear stated the vendor should at least have their certificate on the premises. His market was provided with a list of State requirements and the vendors tend to stay away from food samples. Mr. Adams stated it would be simple to just state each vendor would have to follow VDACS rules and regulations. Mrs. Baker stated the committee would require the Market Manager to be responsible for the specific regulations within an operation.

Mr. O'Hara stated he liked the rule which stated the Market Manager would go out and enforce the Producer Only rules. Mrs. Baker stated the committee could require the Market Manager to submit their list of vendors to the County on a quarterly or annual basis. Mr. McClevey asked if the committee needed to create a similar document. Mr. Locklear stated Amy Taylor had all of the information pertaining to his required rules and regulations. He provided Mrs. Taylor with VDOT's rules and their Market Manager Vendor list. There were previous issues about the insurance because at some point someone established a \$500,000 liability claim. Mr. Adams stated each market has their own specific set of rules. Mrs. Baker stated each Market Manager would be required to submit a list of rules and regulations to the committee at the beginning of the application process. Mr. Hunt stated when asking what the top level of parameters are, that would refer back to Mr. McClevey's list of considerations. He stated he believed there should be a producer only market. Mr. McClevey asked if the committee wanted a producer only market. Mr. Hunt stated yes, but a 100 mile radius seemed limiting to him. Mr. Adams stated if you go with 150 mile radius, you actually start allowing products in from North Carolina. Mrs. Clark stated also from West Virginia, Maryland, and possibly Pennsylvania. Mr. Adams stated if you go with 50 miles you would still allow products from Maryland. In his opinion, 100 to 125 mile radius would be acceptable. Mrs. Clark stated King George has a King George only market, but that was the exception not the rule. Mr. Adams stated they decided after the first year that did not work, so they allow Westmoreland to come in as well. Mrs. Clark stated she believed when people come to a Farmers Market the perception was local, so if you put a restriction on it you are going to make sure that Farmers Markets are relatively local and she did not have a problem with the 125 radius restriction. Mr. O'Hara asked if all the other markets were producer only. Mr. Adams replied no. Mr. O'Hara asked if they would get enough producers to have a viable market. Mr. Adams stated they could but at the end of the season the availability of items

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
September 24, 2012***

would be scarce. Mr. O'Hara stated they could have a full market but it would be a shorter market season. Mrs. Baker stated Fredericksburg had something like a 75 percent rule, where 75 percent was producer only. That provided each vendor 25 percent to supplement with other produce that perhaps is not in season. Mrs. Clark stated 75 percent of the vendors products would have to be producer grown and the remaining 25 percent could be sourced from another location. Mr. Adams stated right, but there was no enforcement mechanism. Mr. Adams stated even if you allow buy and resale but enforced 125 mile limit, you still would be eliminating a lot of product, which would refer back to the intent of there would not be pineapples and oranges in the market. Mrs. Clark stated the real perception was that the consumer would be buying from the farmer and the second perception would be the consumer would be buying local. Mr. O'Hara stated he believed the committee was trying to make a market for local producers to sell so they would not be forced to go through an intermediate retailer for produce. First and foremost, the committee wants to serve the agriculture in the County and provide the consumer with good food. Mr. Adams stated Dale City was a year-round market, but the producer only individuals do not show up until May and every week the availability of produce fluctuates and that happens in a producer only market. There are no tomatoes in January, unless an individual has a greenhouse. Producer only markets often start later and end earlier. Mr. O'Hara asked would the pricing for a farmers market compare to the pricing at retail stores. Mr. Adams stated in a producer only market, 20 to 50 percent higher. Mr. O'Hara asked if there was a price benefit to the consumer to go to a farmers market. Mr. Adams stated no, in a producer only market you pay for quality, you would not go there for the price. Mrs. Clark stated the consumer also goes to a farmers market for a relationship with the farmer. They want to be able to ask questions. Mr. Adams stated farmers markets would never compete with Wal-Mart price-wise and Wal-Mart would never compete with a farmers market quality. Mr. Locklear stated Fredericksburg, Stafford, Fairfax were controlled by C and T. He suggested the committee go to the farmers markets and talk to the consumers. Mr. Adams stated if the committee goes with a producer only market, the producer would not be able to buy from anyone, they would either have to grow their own products or they would not be allowed to sell. In a producer only market, the producer does not have to go to the market, their employees may go, but the money goes to the producer and the employee would be paid a salary. Mr. Hunt stated you could not go to another farm and purchase produce from someone else to sell under your name. Mr. O'Hara asked how many instances would the farmer employ someone else. Mr. Adams stated it would depend on the number of markets the producer attends per day. Most of the time, the farmers are present on Saturdays. If you go with a producer only market, 90 percent of your produce would come from Richmond County, Hanover County, or Westmoreland County.

After a lengthy discussion, Mr. O'Hara made a motion to establish a regulation that states 100 percent of produce grown to come from within 125 miles of the farmers market within Stafford County. Mr. Hunt seconded the motion. Mr. Adams recommended changing the word produce to products, because eggs and beef are not considered produce. Mr. O'Hara suggested establishing a rule that stated if the producer was found in violation of the rules and regulations, their permit would be revoked. Mr. O'Hara clarified his motion and stated the sentence should say 100 percent producer grown within 125 mile radius of Stafford County. The motion passed 5 to 0.

Mr. Adams suggested the committee establish a market manager to handle the complaints. Mrs. Clark said some of the specifics of the rules and regulations should be listed within an individual market's regulations. The committee members should not have to do the inspections, but have the right to. Mr. Adams suggested the committee state the market manager would have to provide a formal complaint

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
September 24, 2012***

procedure and allow the market manager to establish that procedure. Mrs. Clark suggested stating the market show state sales tax along with required business documentation. Mrs. Baker stated the property owner may require a contract for a farmer market. Mr. Adams recommended establishing a statement which states all producers must follow all VDACS regulations. Mrs. Baker suggested the committee submit a draft document of the rules and regulations for the County Attorney to review.

Mr. O'Hara made a motion to defer this discussion to the next meeting. Mr. Hunt seconded the motion. The motion passed 5 to 0.

- PDR Program – Future Application Round
 - Timeline
 - Public Information
 - Revised Application

Mr. Adams stated he would like to invite Ron Wisniewski to explain the details of what the USDA does with PDR. Mr. McClevey asked what the timeline for the PDR program is. Mrs. Bakers stated the last application round through the State did not have enough money for the committee to go the full round, that was the reason for the submission of a new application for more funding. The committee is bound to the original timeline from the 2011 funds. The committee has until the end of December 2013 to complete the application round. The committee has an application in for the Board of Supervisors to appropriate the funds and to apply for the \$157,000 matching funds through the State. That application is due by the end of October, but it would be December before the committee receives official notification. In the meantime, the committee should set up their timeline for the year. Mrs. Clark stated in the first round the committee paid a lump sum because that was the only option. She asked if there would be other options this time. Mrs. Baker stated it would probably be lump sum. Mr. Adams asked if the December date was a final deal. Mrs. Baker stated they do have extensions and are currently granting extensions up to 5 months, but you have to show that you are working with the property owner and within final negotiations. The committee needs to have the process completed by December 2013. Mrs. Baker provided the committee with the Pilot Program information. She stated the committee could send out another mail out or a one night presentation with a Q&A session for the public to get their input on the Pilot Program.

- Chesapeake Bay/Total Maximum Daily Loads

Mrs. Baker stated she would get an update from Steve Hubble about CBA. Mr. Hunt stated the committee should make the Memorandum of Understanding between the Board of Supervisors and Tri-County/City Soil and Water Conservation District explain the amount of work they should receive for their \$25,000 annual funding. Mrs. Baker suggested the committee contact their Board of Supervisors member and make that recommendation. Mr. Hunt stated he would bring in the 1992 MOU to the next Board meeting.

6. Next Meeting

- October 22, 2012 Regular Meeting

Mr. Adams stated he would invite Ron Wisniewski to attend the next meeting.

***AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
September 24, 2012***

7. Adjournment

With no further business, Mr. Adams adjourned the meeting at 8:50 p.m.